

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

In the Matter of the Seizure of

One (1) Palmetto State Armory, Model PA-15,
5.56 Caliber rifle, Serial No. P1027685, three (3)
magazines and ninety (90) rounds of ammunition
in the custody of the St. Peter's Police
Department

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Case No. 4:23MJ7127 SPM

APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANT

I, Daniel Plumb, being duly sworn depose and say:

**I am a Task Force Officer with the Drug Enforcement Administration, and have reason to believe that there is now certain property
namely**

One (1) Palmetto State Armory, Model PA-15, 5.56 Caliber rifle, Serial No. P1027685, three (3) magazines and ninety (90) rounds
of ammunition in the custody of the St. Peter's Police Department

which is

subject to forfeiture under Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c) and Title 21, United
States Code, Sections 853 & 881(a), and therefore, is subject to seizure under Title 18, United States Code, Section 981(b), Title 21, United
States Code, Sections 853(e)&(f) and 881(b) and Title 28, United States Code, Section 2461(c), concerning a violation of Title 18, United States
Code, Section 924(d) and Title 21, United States Code, Section 841.

The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE

Continued on the attached sheet and made a part hereof. X Yes No

Daniel Plumb

Signature of Affiant, Task Force Officer Daniel Plumb

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41

April 18, 2023
Date and Time Issued

at St. Louis, Missouri
City and State

Honorable Shirley P. Mensah, U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT FOR SEIZURE WARRANT

I, Daniel Plumb, your affiant, am a Task Force Officer (TFO) of the Drug Enforcement Administration of the United States Department of Justice, St. Louis, Missouri, and, being duly sworn, states:

1. I am a Task Force Officer with the Drug Enforcement Administration and have been since January 2014. I am currently assigned to the St. Louis Division and I am a sworn police officer with over 30 years of experience; having served with the United States Air Force, the Chesterfield Police Department, and most currently the St. Peters Police Department. During my tenure with DEA and as a Task Force Officer, I have been assigned to an investigative team for numerous complex investigations of drug-trafficking organizations dealing in heroin, cocaine, marijuana, methamphetamine, and other controlled substances. These investigations have resulted in the seizure of heroin, cocaine, marijuana, methamphetamine, other controlled substances, U.S. Currency, and weapons. I am familiar with and have utilized normal methods of investigation, including, but not limited to, visual surveillance, questioning of witnesses, the use of search and arrest warrants, the use of informants, the use of pen registers, the utilization of confidential sources and the use of court-authorized wire intercepts. My training with the Drug Enforcement Administration and as a sworn police officer has included specific training directly related to the aforementioned investigative techniques. Based on my training, experience, the experience of the overall investigative team, and my own participation in controlled substance investigations, I am familiar with the methods of operation of drug traffickers. I am also familiar with federal criminal laws, particularly those laws relating to narcotics.

2. I am an investigative and law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and as such, I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516, Title 18, United States Code.

3. This affidavit is not intended to be a complete and detailed description of all of the facts and evidence discovered during this investigation. I have set forth only the information that I believe is necessary to establish the required foundation for the issuance of the seizure warrant requested. Information in this affidavit is based upon my own investigation and that of other experienced law enforcement investigators with whom I am working. As part of the investigation described in this affidavit, I have reviewed public records and talked with or reviewed reports of other law enforcement investigators.

Property to Be Seized:

4. This affidavit is made in support of an application for a warrant to seize the following items:

A. Yet to be determined sum of U.S. Currency contained inside Self-Sealing Evidence Envelope #S001595222, hereafter the **subject U.S. Currency**. The seizure of the **subject U.S. Currency** was made by your affiant, TFO Daniel Plumb, and TFO Matthew Main during an active federal investigation. Due to the fact that the seizing agents are also officers of the State of Missouri, the **subject U.S. Currency** is currently in the custody of the State of Missouri. Once the **subject U.S. Currency** is in federal custody via the requested seizure warrant, the **subject U.S. Currency** will be transferred to a contracted banking facility for an official count and transfer to the United States

Marshal Service. Once the amount of the **subject U.S. Currency** is determined, that amount will be listed on the warrant return and filed with the Court.

B. One Palmetto State Armory, Model PA-15, 5.56 Caliber rifle, Serial Number P1027685, with three (30) round magazines, and (90) rounds of 5.56 caliber ammunition, hereafter the **subject rifle, magazines and ammunition**.

5. I submit that there is probable cause to believe that the **subject U.S. Currency** is proceeds, or derived from the proceeds of the sale of illegal drugs in violation of Title 21, United States Code, Section 841 and were used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense in violation of Title 21, United States Code, Section 841.

6. Furthermore, I submit that there is probable cause to believe that the **subject rifle, magazines and ammunition** were used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense in violation of Title 21, United States Code, Section 841 in addition to a violation of Title 18, United States Code, Section 924(d), possession of a firearm in furtherance of a drug trafficking crime.

7. The **subject U.S. Currency** is currently being stored in the St. Peters Police Department Evidence Repository, located at 1020 Grand Teton Drive, St. Peters, Missouri, 63376.

8. The **subject rifle, magazines and ammunition** are currently being stored at the DEA St. Louis Division Office Evidence Repository, located at 317 South 16th Street, St. Louis, Missouri, 63103.

Legal Framework:

9. The proceeds of drug offenses are subject to forfeiture under both civil and criminal forfeiture authorities. Pursuant to 21 U.S.C. § 881(a)(6), “all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance...all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of [the Controlled Substances Act]” are subject to civil forfeiture. In addition, pursuant to 21 U.S.C. § 853(a)(1), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of a drug violation are subject to criminal forfeiture. Pursuant to 21 U.S.C. § 853(a)(2), any property used, or intended to be used, in any manner or party, to commit, or to facilitate the commission of, a violation of the Controlled Substance Act is subject to criminal forfeiture.

10. A firearm that is used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances is subject to civil forfeiture pursuant to 21 U.S.C. § 881(a)(11). In addition, pursuant to 21 U.S.C. § 853(a)(2), any property used, or intended to be used, in any manner or party, to commit, or to facilitate the commission of, a violation of the Controlled Substance Act is subject to criminal forfeiture.

11. Firearms and ammunition are subject to seizure and criminal forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461 as being involved in or used in any knowing violation of 18 U.S.C. § 924(d).

12. This application seeks a seizure warrant under both civil and criminal authority because the property to be seized could be placed beyond process if not seized by warrant. Pursuant to 18 U.S.C. § 981(b) and 21 U.S.C. § 881(b), property subject to civil forfeiture may be seized by a civil seizure warrant issued by a judicial officer “in any district in which a

forfeiture action against the property may be filed,” and may be executed “in any district in which the property is found,” if there is probable cause to believe the property is subject to forfeiture. A civil forfeiture action may be brought in any district where “acts or omissions giving rise to the forfeiture occurred.” 28 U.S.C. § 1355(b)(1)(A). As detailed below, acts or omissions under investigation occurred in the Eastern District of Missouri. 21 U.S.C. § 853(f) provides authority for the issuance of a seizure warrant for property subject to criminal forfeiture.

Subject of Investigation:

13. **Maverick Leo ROY**, is a nineteen (19) year old resident of the Eastern District of Missouri. On April 12, 2023, ROY was arrested in St. Charles County, Missouri for possession with intent to distribute fentanyl, possession with intent to distribute cocaine, and possession of a firearm in furtherance of a drug trafficking crime. ROY has prior arrests for possession of controlled substance.

Probable Cause:

14. On April 12, 2023, members of the Drug Enforcement Administration (DEA) were investigating an overdose wherein three juveniles overdosed on fentanyl and survived after receiving emergency medical intervention (administration of NARCAN and CPR). One of the surviving victims positively identified ROY as the person who sold him/her purported “opium powder” (later confirmed via laboratory analysis to be fentanyl).

15. Upon developing probable cause to believe ROY was the source of supply for the near fatal doses of fentanyl, I went to ROY’s residence located at 912 Harmony Ridge Court, St. Peters, Missouri, 63376, in an effort to locate and interview ROY.

16. Upon arriving at ROY's residence, I contacted ROY and conducted a recorded post Miranda interview with him in the driveway of his home. During the interview ROY admitted to selling fentanyl and cocaine. Additionally, ROY admitted he possessed "A couple of capsules" of fentanyl inside his residence. I asked for and received both ROY's written and recorded consent to search his bedroom for the purpose of retrieving any contraband inside his basement bedroom. Due to the fact that ROY resides in his parent's home, I also obtained recorded verbal consent from ROY's father to conduct the previously described search.

17. During the search, I located distributable quantities of fentanyl and cocaine throughout ROY's bedroom. I also located items used to prepare controlled substances for retail sale (digital scales, baggies, and Dormin capsules). I located **the subject U.S. Currency** inside a dresser drawer near the previously mentioned controlled substances. ROY admitted the cash was the proceeds from the sale of controlled substances. I located additional **subject U.S. Currency** inside ROY's billfold. ROY admitted this **subject U.S. Currency** was also the proceeds from the sale of controlled substances. I placed all of **the subject U.S. Currency** into Self-Sealing Evidence Envelope #S001595222 and had ROY sign the seal for security.

18. I located the **subject rifle, magazines, and ammunition** in ROY's bedroom near the previously mentioned controlled substances and the **subject U.S. Currency**. The rifle was concealed inside a nylon bag located behind the headboard of ROY's bed. The loaded magazines were stored in the top drawer of a nightstand located beside ROY's bed. I located cocaine and fentanyl in the same drawer with the magazines and ammunition.

19. I seized the **subject U.S. Currency, the subject rifle, magazines, and ammunition** and then provided ROY with a receipt for the seized items.

Lack of Legitimate Income:

20. On April 13, 2023, your affiant conducted a check regarding income reported by ROY to the State of Missouri. The check revealed that ROY has had no reportable income on file with the State of Missouri thus rendering him unable to account for the **subject U.S. Currency** seized by investigators. Additionally, ROY admitted the **subject U.S. Currency** was money he made from the sale of controlled substances.

Conclusion:

21. Based on your affiant's training and experience and the training and experience of other veteran members of my team, the information set forth above establishes probable cause that Maverick ROY is/was engaged in fentanyl and cocaine trafficking. The undetermined **subject U.S. Currency** was proceeds of, or was intended to be used to commit, a violation of Title 21, United States Code, Sections 841(a)(1), and is therefore subject to forfeiture under Title 21, United States Code, Sections 853 & 881(a). The **subject rifle, magazines and ammunition** were involved in or used in violation of Title 18, United States Code, Section 924(d) and Title 21, United States Code, Section 841, and is subject to forfeiture pursuant to United States Code, Sections 924(d) and Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Sections 853 & 881(a).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Daniel Plumb

Daniel Plumb
Task Force Officer
Drug Enforcement Administration

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41 this 18th day of April, 2023.



HONORABLE SHIRLEY P. MENSAH
United States Magistrate Judge
Eastern District of Missouri